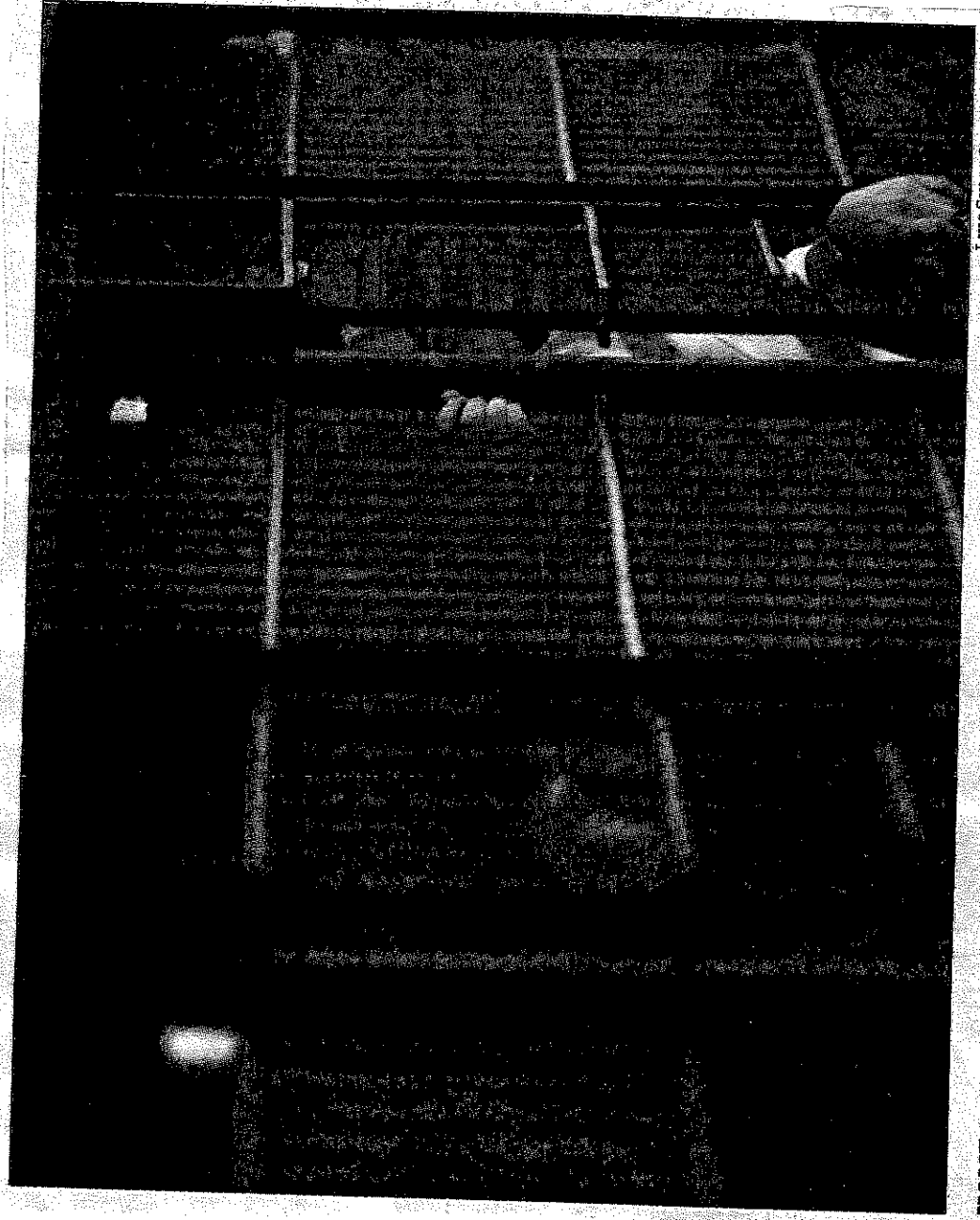


# Gaming the early release system



LUIS SINCO Los Angeles Times

**HOME DETENTION** and work-release programs have largely failed to make a dent in jail overcrowding, forcing officials to consider more expensive solutions, such as contracting with other detention facilities.

The Los Angeles County Sheriff's Department has for years tried to reduce jail overcrowding and the early release of inmates by placing low-level offenders into home detention and work-release programs.

But these programs have largely failed to make a dent, forcing the department to consider more expensive ways to address the problem, such as contracting with other detention facilities to house L.A. County inmates.

The most high-profile program required some inmates to serve out their sentences at home wearing electronic monitors. Sheriff Lee Baca even got special legislation approved in 2007 to allow counties to operate the program. Baca put the cost at up to \$20 a day per inmate while county jail costs about \$118 a day.

But some inmates quickly concluded that staying in jail for a short stint before being released early was better than spending their entire sentence in home confinement. So they sidestepped the program by claiming they were homeless, with no place they could be confined outside of jail, according to the Sheriff's Department.

Officials suspect that many inmates made the claim so they could stay in jail and take advantage of an early release without any supervision.

"People were gaming the system," said sheriff's spokesman Steve Whitmore.

In response to questions from The Times, sheriff's officials recently acknowledged that the high-profile program was abandoned in late 2010, less than two years after it started. Meanwhile, the early releases have accelerated.

L.A. County officials continue to offer home detention for inmates who volunteer and agree to pay for their electronic monitoring, but the number in that program on any given day has fallen sharply. In March 2010, 225 inmates were on voluntary electronic monitoring, according to department figures. As of Tuesday, the number was 77.

Inmates also have been reluctant to sign up for a similar program in which they are released but must

[See Inmates, A26]

#### [Inmates, from A25]

work in a supervised job, usually manual labor. In March 2010, 448 were on the work-release program. On Tuesday, the figure was 204.

"There is a portion of the population that would rather sit on their fanny in jail than report somewhere every day and work," said Sheriff's Capt. Mark McCorkle.

The fate of the home detention and other programs underscores the difficulties confronting the Sheriff's Department as the agency searches for ways to end the early release of inmates, which has been a chronic issue for more than two decades.

The problem has worsened in recent years with the influx of 6,000 inmates under prison realignment, which shifted responsibility for housing and supervising thousands of nonviolent prison inmates from the state to counties. None of those inmates are released early in L.A. County.

Most of the county's other nonviolent male inmates sentenced to 90 days or more are now released after serving as little as 20% of their time. Most nonviolent women sentenced to 240 days or more are released after serving as little as 10%.

Sheriff's officials said they hope to resurrect the abandoned home detention program and build up simi-

lar initiatives once they are able to increase the amount of time that sentenced inmates serve in jail.

Whitmore said the department expects to start increasing the jail stays in the next several weeks as the first specially trained inmates are transferred to work at local county fire camps, freeing up jail space. Sheriff's officials plan to place more than 500 inmates in the camps.

Sheriff's officials have also considered contracting with other detention facilities to house L.A. County inmates, but that option is expensive.

The city of Taft in Kern County offered to house up to 512 long-term inmates for Los Angeles for at least \$60.55 per day for each inmate, according to L.A. County records.

The Board of Supervisors last month agreed to a contract with Taft that would cost up to \$75 million through June 2018. But the contract appears to be in jeopardy after one of its three backers, Supervisor Gloria Molina, signaled recently that she plans to withdraw support.

The county's early releases began in the late 1980s after a federal court declared that the jails' overcrowded conditions amounted to cruel and unusual punishment. A 2006 Times investigation found

that nearly 16,000 inmates released early were re-arrested while they were supposed to be in jail. Sixteen were charged with murder.

State law allows the Sheriff's Department to release inmates who volunteer to serve their sentences at home under electronic monitoring.

Baca persuaded the state Legislature in 2007 to change the law so that jailers could require low-level inmates convicted of misdemeanors to serve their sentences on electronic monitoring at home.

The program had little effect.

The department required that inmates have a residential address and no record of violence, but sheriff's officials acknowledged

they overestimated the number of nonviolent, low-security inmates in the jails.

Their initial calculations took into account only the current charges inmates were being held on. Once they reviewed the criminal histories of inmates, officials said they found many had serious or violent records that made them ineligible.

Baca had said that the program would help his department place up to 2,000 inmates on electronic monitoring at any given time. Between February 2009 and November 2010, about 1,200 inmates were placed on the program, fewer than envisioned, according to the department.

Whitmore said he did not know how many low-security inmates claimed they

were homeless to avoid enrollment in the program.

Peter Eliasberg, legal director for the American Civil Liberties Union of Southern California, said the county should be releasing inmates who are awaiting trial. Many are in jail because they lack the money to secure bail.

He cited a 2011 report by the Vera Institute of Justice, a nonprofit consulting group, which concluded the county could free up about 700 beds by reducing the time pretrial inmates accused of misdemeanors spend in jail. An ACLU-funded study last year put the number at 1,000.

Other counties, including Orange, San Diego and Riverside, have authorized their sheriff's departments to release pretrial inmates on electronic monitoring,

but Los Angeles has yet to follow suit.

"It would be an incredibly good idea," Eliasberg said.

McCorkle, who oversees the Inmate Reception Center, said the sheriff favors such an approach but would need the approval of other criminal justice agencies, including the district attorney's office, as well as the Board of Supervisors.

He said the Sheriff's Department is exploring the possibility of releasing pretrial inmates and expanding programs that offer other inmates — including military veterans, people suffering from mental illness and some drug offenders — the chance to serve portions of their sentences outside jail in treatment facilities.

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# After the urge to adopt

MEGHAN DAUM

**B**ORN TO A MOTHER in prison, 15-year-old Davion Only has been in foster care all his life. Last month he walked into a church in St. Petersburg, Fla., and pleaded for a family of his own. "I'll take anyone," Davion said. "Old or young, dad or mom, black, white, purple, I don't care."

He had the congregation in tears. He also caught the attention of a Tampa Bay Times reporter, who told his story so compellingly, it became national news. On Monday, the boy appeared on multiple talk shows, including "The View," where his caseworker said there had been more than 10,000 calls from prospective parents.

Davion spoke earnestly if haltingly about wanting a family and having no criteria other than being loved. He explained that his renewed interest in being adopted began last summer after he learned that his mother, whom he'd held out hope of reuniting with despite her longtime drug abuse and multiple arrests, had died.

By age 9, the chances of a child being adopted diminish significantly and grow worse every year. But even though Davion is a big, slightly awkward kid well past the cute stage, the public response was nothing short of effusive. "I just love him already," I would be proud to have you as a son," and "If he'd like to visit NJ he can come live with us" were typical comments on Internet news sites.

Jenny McCarthy, co-host of "The View," was similarly moved, though she expressed her enthusiasm in terms more appropriate to the acquisition of a Birkin handbag than the adoption of a child. "I'll adopt him!" she shouted on Monday's broadcast. "My girlfriend said, 'I'll adopt him, too!'"

McCarthyism aside, the response is heartwarming. It says a lot about American compassion and charity. But it also says a lot about American hypocrisy. Statistics from the U.S. Department of Health and Human Services show that there are 400,000 children in foster care in this country, more than 100,000 of whom are available for adoption. There aren't throngs — and there never have been — stepping up to take them in.

Sincere as the would-be parents in Davion's case seem, unless the 9,999 that don't adopt him wind up taking other kids out of foster care, they're not all that serious. And maybe they shouldn't be.

Most foster kids have some combination of chronic medical problems, developmental delays and emotional disturbance. Parenting them requires tremendous patience, resourcefulness, an ability to set boundaries and, often, tirelessness and even fearlessness in the face of the kind of extreme acting out that can result from extreme trauma — in other words, a very specific skill set; one that most people simply don't have.

Davion Only may be an exceptional young man in many ways, but he's not immune to the effects of early abandonment and a lifetime of discontinuity. On "The View," he apologized for being a "butthead," a description that only scrapes the surface of some of the behavior mentioned in the Tampa Bay Times article. A successful adoption for him would depend on finding a family that could provide him not just love but could break through layers of (justifiable) anger and defensiveness with the right combination of tough-mindedness and empathy.

I don't want to discourage fostering or adopting. I volunteer as a court-appointed special advocate in the foster care system in L.A. As a CASA, I want to see a cultural shift in which more adoptions happen and in which the system's problems — children abused, cases mismanaged, children abandoned again at age 18 — no longer produce scandals.

But I know it doesn't help that our approach to helping strangers is largely romantic. We eat up movies like "The Blind Side" because they suggest that troubled youths can be reached with a few teachable moments and heart-to-heart talks. We like the idea of not just saving someone but of being a civilizing influence, of raising a child who will be truly grateful. But that's far from guaranteed with any child, much less a foster child.

That said, callers inquiring about Davion are now being directed toward other available children. If even a few of these connections result in successful matches, Davion should be considered a hero. As for his own search, the number of callers alone means his odds for adoption are improved. Let's hope his future family is one that would have materialized even without all those television appearances.

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B

# Sheriff under scrutiny again

Several captains say they faced retaliation for backing one of Baca's political rivals.

BY SEEMA MEHTA

Los Angeles County Sheriff's Department officials who have backed a rival of Sheriff Lee Baca in next year's election say they are being retaliated against with reassignments to distant locales or less desirable duties, according to interviews and documents.

One, Capt. Louis Duran, has filed a complaint against Baca with the state Department of Fair Employment and Housing, a precursor to a possible lawsuit. Of the nine captains who have publicly backed former Under-sheriff Paul Tanaka in his bid to replace Baca, four were transferred to other jobs this month, according to documents obtained by the Times.

Attorney Brad Gage, who represents Duran and other members of the department who say they are victims of retaliation, said he expected to sue the Sheriff's Department next month.

"There are a number of individuals who have been well-known Tanaka supporters over the years. The ones that are most loyal to Tanaka have been the subject of improper internal affairs complaints, sometimes criminal allegations without merit, transfers from favor-

[See Retaliation, AA4]

[Retaliation from AA1] able assignments to those assignments known to be dead ends ... and 'freeway therapy,' which is being transferred a long distance from home," he said.

A representative of Baca said any transfers were driven by the department's needs and the employees' performance.

"There is absolutely no retaliation. This is politics at its lowest form, and the facts will bear that out," said spokesman Steve Whitmore. "The Sheriff's Department must be managed, and Sheriff Baca is going to do that regardless of an election or no election. He's going to do what's right. People are moved all the time in the Sheriff's Department and regrettably, people have been moved because they haven't been doing their jobs."

Baca has previously been accused of retaliating against political adversaries. In 2010, the Sheriff's Department agreed to pay almost \$1 million to Patrick Gomez, who said that he was passed up for promotions and targeted for an internal inquiry after he ran against Baca in 2002. The settlement was reached shortly after a federal jury found the department liable for retaliation in a lawsuit brought by Gomez, who is a retired lieutenant who is also running against Baca next year.

Tanaka said the recent transfers show why the county needs a new sheriff and said Baca should be "ashamed of himself."

"It is completely outrageous that decorated senior commanders would be reprimanded for using his or her First Amendment right to support a political candidate," he said.

The early tussling points to what is likely to be a bitter contest in the runup to voting next June. Baca has been sheriff for 15 years and is seeking a fifth four-year term. But in recent years he has been buffeted by a series of scandals. The FBI is investigating allegations of abuse and other deputy misconduct in his jails. In a separate investigation, federal authorities found that Baca's deputies in the Antelope Valley harassed and intimidated blacks and Latinos.

In addition to the federal investigations, Baca has had to explain questionable hires, giving allegedly special treatment to friends and supporters and the existence of aggressive, unsanctioned cliques of deputies in the agency's ranks.

Tanaka, a onetime Baca ally and mayor of Gardena, also has been controversial. Amid the scandal involving alleged inmate abuse, Tanaka was accused of fostering a climate in which aggression was prized, loyalty was placed above merit, and discipline was discouraged. Tanaka has said he was scapegoated by sheriff's officials upset by his efforts to hold lazy supervisors more accountable.

Also campaigning for sheriff are Bob Olmsted, a retired sheriff's commander who played a role in exposing abuses inside the agency's jails; Lou Vince, an LAPD detective; and Gomez.

Duran said in a phone interview that he was a long-time supporter of Baca's who decided to back Tanaka because of his work righting the budgets of both Gardena, where Duran grew up, and the Sheriff's Department.

The 33-year veteran of the Sheriff's Department said his career has suffered since summer, when he publicly backed Tanaka. He said he first was removed from his post of five years, as a captain of the Aero Bureau, and assigned to the vehicle theft program, which he said resulted in a "considerable"

loss of salary. Earlier this month, he said he was transferred again, to the office of the assistant sheriff, where he has no assignment, no staff, no office, no desk and no chair.

"There is no job for me there. There's nothing. Lately I've been so disheartened, I've been burning time, I just haven't been going in," he said. "It's basically purgatory."

Duran was in the public eye in 2012 after The Times reported allegations that officials in the aviation unit were abusing aircraft privileges, purposely delaying emergency calls to make the

case for more overtime pay and possibly manipulating time sheets. A county audit found that managers improperly used department aircraft but found no evidence to support other accusations. Duran publicly alleged misconduct by an Aero Bureau supervisor during a Board of Supervisors meeting, prompting an investigation to determine if Duran improperly disclosed officer disciplinary records.

Whitmore said he could not comment on the results of the investigation because it is a personnel matter.

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# Another misstep on the jails

Thur 10-24-13 LA Times

Once again county supervisors have been forced to rethink plans for fixing the sprawling system.

**L**ESS THAN A MONTH AGO, the Los Angeles County Board of Supervisors voted to spend \$75 million to send 500 long-term inmates to a Kern County facility in an effort to ease jail overcrowding. Now, citing legal concerns, the board seems inclined to pull the plug on the plan.

Supervisor Gloria Molina withdrew her support because she was worried the county could be drawn into a messy ongoing lawsuit between the state and officials in Kern. Apparently, county lawyers failed to inform the board about the lawsuit before the supervisors voted on the contract.

Frankly, it's hard to imagine how they could have been left in the dark about such an important matter as they were preparing to approve a \$75-million contract. But this is not the first time the board has been forced at the last minute to rethink its plans for fixing the county's sprawling jail system, which has been plagued by overcrowding, poor conditions and allegations that excessive force has been used against inmates. In May, for instance, the board hired a construction company to come up with a plan

to replace the aging Men's Central Jail and renovate other facilities. The company unveiled the plan this summer, just weeks before the Department of Justice announced it was launching a civil rights probe into the treatment of mentally ill inmates, including where and how they are housed. The plan is now under review; the supervisors fear it could be in conflict with the forthcoming findings by the Justice Department.

And at least four other proposals submitted in the last five years by Sheriff Lee Baca or county Chief Executive William T. Fujioka have been voted down by the supervisors; they complained that the plans lacked basic information. The board has continued to turn solely to Baca for guidance even as he has increasingly expressed a lack of confidence in his ability to manage the jails, much less fix them.

The truth is that the supervisors haven't been able to find a single plan they like, or come up with one on their own. And they may be running out of time. As Molina acknowledged this year, there is reason to believe that federal authorities may step in and sue the county or seek a consent decree to force it to alleviate overcrowding. After all, some of the jails, including a women's facility in Lynwood that is at 160% capacity, far exceed the crowding limits imposed by federal courts on state prisons. The supervisors say they are concerned they may soon find themselves facing a similar lawsuit.

# County won't export inmates after all

WED 10-30-13  
LA Times

Supervisors reverse earlier plan after learning of litigation between Taft facility and the state.

BY ABBY SEWELL

Los Angeles County supervisors voted Tuesday to halt a controversial plan to send county jail inmates to a facility in Kern County after a board member who had originally supported the contract changed her mind.

The supervisors voted last month to approve a \$75-million, five-year plan to send about 500 county inmates serving lengthy sentences to the correctional facility run by the city of Taft. The plan was touted as a cost-effective way to free up local jail beds and increase time served by the most serious offenders.

Supervisor Gloria Molina, one of the three who initially voted in favor of the contract, said last week that she had changed her mind after learning that there is ongoing litigation between Taft and the state's Department of Corrections.

The Taft facility housed state prison inmates until the corrections department terminated its lease in 2011. Taft sued last year, saying the state should reimburse the city for unemployment benefits paid to former employees after the facility closed. The city also sought to bar the state from exercising a contract clause that would have given it the right to lease the facility for \$1 a year after 2017.

Molina said in an interview that she did not want the county to get dragged into the dispute and was concerned that the state might have sought to stop the county from leasing the beds or try to take the facility over in 2017. She said she felt the supervisors had been "misled and misinformed" by sheriff's officials and county attorneys that the contract was ready to go.

"I really wish that Taft would have come to us clear," she said. "We need to find some permanent solutions" to jail overcrowding that has caused many inmates to be released early.

L.A. County Sheriff's Capt. Mark McCorkle said the department did not learn of the potential legal issues until after the board had voted to approve the [See Taft, AA4]

[Taft, from AA1] deal and Taft had signed the contract. At that point, he said Taft officials notified the Sheriff's Department that, in addition to the ongoing lawsuit, there had been correspondence between Taft and the state about the plans to lease beds to L.A. County. Sheriff's officials then notified the county's attorneys, he said.

Terry Thornton, a spokeswoman for the California Department of Corrections and Rehabilitation, declined to comment on how the dispute between Taft and the state could affect L.A. County, but said the corrections department — facing a federal court order to further reduce prison crowding — is again looking at leasing space in the Taft facility.

The state agency "is interested in the beds and is looking forward to the opportunity to discuss this with Taft officials," she said in an email.

Supervisor Michael D. Antonovich, who — along with Supervisor Don Knabe — voted against halting the county's deal with Taft, said lawyers had found that the county was on "strong legal grounds" to lease the beds at least through 2017.

In the meantime, Antonovich said, it would help relieve overcrowding in the county's jails and increase time served by serious and violent offenders.

Antonovich blames the state for local jail crowding because a law passed two years ago shifted responsibility for thousands of lower-level felons from state prisons to county jails.

Advocates of alternatives to incarceration applauded the decision not to send inmates to Taft because the

'I really wish that Taft would have come to us clear. We need to find some permanent solutions.'

— GLORIA MOLINA,  
L.A. County supervisor

distance would have made it harder for their families to visit.

Diana Zuniga, of Californians United for a Responsible Government and LA No More Jails, said she hoped the money slated for the Taft jail beds could instead go to alternatives to incarceration, like a pilot program the county launched earlier this year to house female inmates with substance abuse issues in community facilities instead of jail.

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